

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH GREGORIO, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

PREMIER NUTRITION CORPORATION,

Defendant.

Civil Action No. 1:17-cv-05987-AT

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that upon: (1) the accompanying Memorandum of Law; (2) the Declaration of Philip L. Fraietta, and the exhibits attached thereto (including the Parties' Class Action Settlement Agreement); (3) the Declaration of Hanny Kanafani; and (4) the Declaration of Orran L. Brown, Sr., Plaintiff Joseph Gregorio, through his undersigned attorneys, will move this Court, before the Honorable Analisa Torres, United States District Court Judge, Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order, pursuant to Federal Rule of Civil Procedure 23(e): (i) granting preliminary approval of the Class Action Settlement; (ii) provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) in connection with the settlement process; (iii) appointing Bursor & Fisher, P.A. and Barbat, Mansour & Suicu PLLC as Class Counsel; (iv) appointing Joseph Gregorio as the Class Representative for the Settlement Class; (v) approving the Media Plan for the Class Action Settlement described in the Class Action Settlement Agreement and in the Declaration of Orran L. Brown, Sr., and directing

distribution of the Media Plan; and (vi) granting such other, further, or different relief as the court deems just and proper.

\* \* \*

A Proposed Preliminary Approval Order is submitted herewith.

Dated: April 2, 2018

Respectfully submitted,

By: /s/ Philip L. Fraietta  
Philip L. Fraietta

**BURSOR & FISHER, P.A.**

Joseph I. Marchese  
Philip L. Fraietta  
Frederick J. Klorczyk III  
888 Seventh Avenue  
New York, NY 10019  
Telephone: (646) 837-7150  
Facsimile: (212) 989-9163  
Email: jmarchese@bursor.com  
pfraietta@bursor.com  
fklorczyk@bursor.com

L. Timothy Fisher (*Pro Hac Vice*)  
1990 North California Blvd., Suite 940  
Walnut Creek, CA 94596  
Telephone: (925) 300-4455  
Facsimile: (925) 407-2700  
Email: ltfisher@bursor.com

**BARBAT, MANSOUR & SUCIU PLLC**

Nick Suciu III (*Pro Hac Vice*)  
1644 Bracken Road  
Bloomfield Hills, MI 48302  
Telephone: (313) 303-3472  
Email: nicksuciu@bmslawyers.com

*Proposed Class Counsel*

**CONSUMER LAW GROUP PC**

Anne Barker (*Pro Hac Vice*)  
306 Joy Street  
Fort Oglethorpe, GA 30742  
Telephone: (706)858-0325  
Email:  
Abarker.consumerlawgroup@gmail.com

*Supporting Counsel*